

Amendment to HB 452

1 Amend RSA 198:15-b, I(b)(4) as inserted by section 1 of the bill by replacing it with the following:

2

3 (4) Funds received from federal grants or grants from other state programs shall be
4 subtracted from total project costs when computing grants under this paragraph.

5

6 Amend RSA 198:15-c as inserted by section 1 of the bill by replacing it with the following:

7

8 198:15-c Approval of Plans; Specifications, and Costs of Construction or Purchase.

9 I.(a) A school district maintaining approved schools, desiring to avail itself of the grants
10 herein provided shall submit schematic design plans, cost estimates, and other items determined by
11 the department of education for an eligible school construction project prior to the start of the
12 construction. Projects with approval from the school district's legislative body to construct, not
13 subject to receiving building aid, are not eligible.

14 (b) Beginning January 1, 2025 and each year thereafter, to be considered for a school
15 building aid grant, the complete building aid application shall be submitted no later than April 1 of
16 the fiscal year that immediately precedes the fiscal year in which the school desires to seek the
17 district's legislative body's approval for construction. The application shall include at a minimum,
18 schematic design plans, cost estimates, educational needs assessment, existing facility conditions
19 assessment including, but not limited to a review of the mechanical, electrical, plumbing, and
20 structural components of the building, proof of an annual school budget to support good
21 maintenance, and other documentation as required by the department and identified in the
22 department's school building construction rules.

23 (c) As deemed appropriate, emergency projects that are recommended by the
24 commissioner of education shall be addressed on a case-by-case basis by the state board of education
25 at any time during the school year. A school construction project requiring the replacement of all or
26 a significant portion of a school facility which is declared uninhabitable or is identified as an
27 imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which
28 results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency
29 project.

30 II.(a) The commissioner shall accept school building aid grant applications based upon
31 completeness and submit a preliminary school building aid grant list, with applications ranked in
32 accordance with subparagraph II(b) and rules of the department, to the school building authority

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1 established pursuant to RSA 195-C by August 1 each year. The school building authority shall verify
2 the ranking submitted by the commissioner and submit a list in descending rank order to the state
3 board of education for approval. If the ranking submitted to the school building authority differs
4 from the preliminary school building aid grant list, the school building authority shall justify the
5 new ranking using the same criteria in subparagraph II(b) and in rules of the department. The
6 school building authority shall submit the school building aid rank order listing with written report
7 of findings to the state board no later than October 15, each year. The state board of education shall
8 verify the ranking submitted by the school building authority. If the ranking submitted to the state
9 board of education differs from the preliminary school building aid grant list submitted by the
10 commissioner, the state board of education shall justify the new ranking using the same criteria in
11 subparagraph II(b) and rules of the department. The state board of education shall approve and
12 publish the descending rank order list of approved eligible school construction projects by November
13 15 each year. School districts which have projects approved for funding shall be notified by the
14 department of education of the projected amount to be funded within 10 days of approval. The
15 project rating system and criteria used to rate project applications which shall include an
16 administrative review process for appeal of a school district's project point rating, shall be developed
17 by the department of education and approved by the state board of education.

18 (b) The commissioner of the department of education shall accept school building
19 construction proposals based upon completeness. The department of education shall consider and
20 score each proposal based on the following criteria:

21 (1) Unsafe conditions.

22 (2) Facilities not in compliance with the Americans With Disabilities Act, or
23 obsolete, inefficient, or unsuitable facilities or mechanical and building systems.

24 (3) Overcrowding and associated influences to instructional areas and programming.

25 (4) Enrollment projections and population shifts.

26 (5) A school district's fiscal capacity based on measurable criteria such as the
27 percentage of pupils eligible for free and reduced price meals.

28 (6) School security design and integration of security systems.

29 (7) The project contributes to operational cost efficiencies, consolidation, or reduced
30 property taxes.

31 (8) High performance of design that provides environments that are energy and
32 resource efficient. Energy and resource efficient designs are those that improve indoor air quality,
33 air temperature, or water quality; reduce heating costs; provide better lighting; and increase average
34 attendance.

35 (9) Any other criteria that the state board of education may determine are necessary.

36 (c) Except as provided in subparagraph (d), applications on the approved ranked list the
37 previous fiscal year, including the school construction projects on the descending rank order list

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1 approved by the state board of education on November 10, 2022, but did not receive a grant due to
2 insufficient funds in the previous fiscal year, shall be ranked ahead of any application that was not
3 on the list in the previous fiscal year provided that construction of the project has not started.

4 (d) Applications with critical needs pursuant to subparagraph II(b) and substantial
5 deficiencies, as defined by the department of education's school construction rules, may be ranked
6 ahead of applications received in the prior fiscal year.

7 (e) Projects that did not receive approval from the school district's legislative body may
8 resubmit those projects to the department for future consideration.

9 III. A school district that accepts school building aid for construction shall engage the
10 services of a project manager for construction or reconstruction projects of \$1,000,000 or more,
11 unless the commissioner waives such requirement as unnecessary. The school district 's project
12 manager shall have his or her own comprehensive liability and auto insurance, worker's
13 compensation coverage, and professional liability coverage. The state board of education shall adopt
14 rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for
15 the school district 's project manager.

16
17 Amend the bill by inserting after section 1 the following and renumbering the original sections 2-5 to
18 read as 3-6, respectively:

19
20 2 New Paragraph; School Building Aid; Definition Added. Amend RSA 198:15-a by inserting
21 after paragraph I the following new paragraph:

22 I-a. For purposes of this subdivision, "school district" means any school district duly
23 organized, any city maintaining a school department within its corporate organization, any
24 cooperative school district as defined in RSA 195:1, any receiving district operating an area school as
25 defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more
26 sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22.